



**Development Services Department**  
City of Frisco, Texas

## Memorandum

**To:** Honorable Mayor Maso and Members of the Frisco City Council

**Cc:** George A. Purefoy, City Manager  
John Lettelleir, AICP, Director of Development Services

**From:** Scott Ingalls, AICP, Development Coordinator

**Date:** 12/23/2009

**Agenda Caption:** Consider and act upon adoption of a Resolution authorizing the City Manager to execute an amended Development Agreement by and between the City of Frisco and Hills of Kingswood, L.P. and the Hills of Kingswood Homeowner's Association, Inc. for property located at the intersection of Lebanon Road and Rock Creek Parkway. Neighborhood #36. (Development Services/SI)

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**Action Requested:** The City Council is asked to adopt the resolution allowing the City Manager to sign the agreement.

**Background Information:** At their October 6, 2009 meeting the City Council adopted a resolution authorizing the City Manager to sign a development agreement for the construction of an identification monument in the median of Rock Creek Parkway. As part of that agreement the developer was required to maintain General and Automotive Liability Insurance as well as Workers Compensation.

The developer has provided to the City a certificate of insurance addressing the liability insurance and naming the City as an additional insured. However, the certificate did not address Workers Compensation. In discussing this with the developer they have indicated that their insurance company will not issue Workers Compensation until such time as there are workers on the site and construction is about to begin.

Staff discussed this with the City Attorney and feel that the development agreement could be amended so as to require Workers Compensation when work, authorized under the agreement, is being performed on the site. The

liability insurance would be maintained by the developer or the HOA until such time as the monument is removed. Attached is a document redlining the changes that have been made to the amended agreement.

**Board Review/Citizen Input:** Not applicable.

**Alternatives:** The City Council may:

- Approve the Resolution;
- Deny the Resolution; or
- Table for further consideration.

**Financial Considerations:** Not applicable.

**Legal Review:** The City Attorney's Office prepared the amended agreement.

**Supporting Documents:**

- Modified Language.
- Resolution.
- Development Agreement.
- Exhibits 1 & 2.
- Landscape Plan.
- Locator Map.

**Staff Recommendation:** Recommended for approval.